



City's nonpayment of rent, CAM charges and taxes due under the Cermak Plaza Lease. This amount is broken down by date and category in the ledger and summary collectively attached as Exhibit A to the Flight Declaration. A copy of the Cermak Plaza Lease will be provided upon request.

3. The records attached to the Flight Declaration contradict the Trustee's position in the Objection that the Cermak Claim should be reduced to \$78,433.03 (by deducting \$39,133.73 for administrative rent, \$9,031.58 for prepetition CAM charges and \$2,633.10 for postpetition CAM charges). In fact, (i) the portion of the Cermak Claim constituting administrative rent is less than the amount of the reduction for this item sought by the Trustee (i.e., the Cermak Claim is comprised of only \$25,924.43 in administrative rent, principally due for the month of November 2008), (ii) the postpetition CAM charges sought by Cermak (i.e., \$2,633.10) were incurred in November 2008 when the Cermak Plaza store was still occupied by Circuit City; and (iii) the prepetition CAM charges sought to be deducted from the Cermak Claim were incurred by Circuit City in 2007 and are properly due as prepetition damages under the Cermak Plaza Lease.

4. Any reply by the Debtors or the Trustee to this Response should be directed to the following counsel: Jane W. Arnone, Esq., Benanti & Associates, 350 Bedford Street, Suite 201, Stamford, CT 06901; Telephone (203) 324-9559; Facsimile (203) 358-8582; Email: [benanti\\_associates@msn.com](mailto:benanti_associates@msn.com). Such counsel should also be contacted to negotiate any possible

resolution of the Objection.

WHEREFORE, Cermak respectfully requests that the Objection be overruled, and that the Cermak Claim be allowed in the amount of \$117,720.40.

Dated: April 5, 2011

CERMAK PLAZA ASSOCIATES, LLC

By 

Michael Flight

Concordia Realty Management, Inc.

10031 West Roosevelt Road

Suite 200

Westchester, IL 60154

Phone: (708) 344-9242

Direct (708) 344-9161 ext. 225

Fax: (708) 344-9244

Exhibit A

Database:	CRM	CM Receivables Ledger	Page:	1					
		Concordia Realty Management	Date:	3/24/2011					
			Time:	01:58 PM					
Occupancy Status:	Current Inactive New	01/08 Through 12/09							
Bldg/Lease	Date	Category	SR Description	Debit	Credit	Balance	Receipt Desc.	Invoice	Receipt Type

CERMAK-CIRCUIT CIRCUIT CITY SUPERSTORE

JIM REMOLEMS. JOHN ADAMS

(804) 627-4000

Master Occp Id: D0000025-1

Balance Forward

0.00

CERMAK-CIRCUIT	1/1/2008	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		239.41			
CERMAK-CIRCUIT	1/1/2008	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		2,633.10			
CERMAK-CIRCUIT	1/1/2008	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		28,552.10			
CERMAK-CIRCUIT	1/3/2008	CAA CAM ADMIN. FEE	CR Receipt		239.41	28,312.69	44589.42		CHK
CERMAK-CIRCUIT	1/3/2008	CAM COMMON AREA MAINT	CR Receipt		2,393.69	25,919.00	44589.42		CHK
CERMAK-CIRCUIT	1/3/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	0.00	44589.42		CHK
CERMAK-CIRCUIT	2/1/2008	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		239.41			
CERMAK-CIRCUIT	2/1/2008	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		2,633.10			
CERMAK-CIRCUIT	2/1/2008	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		28,552.10			
CERMAK-CIRCUIT	2/4/2008	CAA CAM ADMIN. FEE	CR Receipt		239.41	26,312.69	44747.26		CHK
CERMAK-CIRCUIT	2/4/2008	CAM COMMON AREA MAINT	CR Receipt		2,393.69	25,919.00	44747.26		CHK
CERMAK-CIRCUIT	2/4/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	0.00	44747.26		CHK
CERMAK-CIRCUIT	3/1/2008	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		239.41			
CERMAK-CIRCUIT	3/1/2008	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		2,633.10			
CERMAK-CIRCUIT	3/1/2008	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		28,552.10			
CERMAK-CIRCUIT	3/5/2008	CAA CAM ADMIN. FEE	CR Receipt		239.41	26,312.69	44890.05		CHK
CERMAK-CIRCUIT	3/5/2008	CAM COMMON AREA MAINT	CR Receipt		2,393.69	25,919.00	44890.05		CHK
CERMAK-CIRCUIT	3/5/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	0.00	44890.05		CHK
CERMAK-CIRCUIT	4/1/2008	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		239.41			
CERMAK-CIRCUIT	4/1/2008	CAM COMMON AREA MAINT	CR Receipt		239.41	0.00	44870.38		CHK
CERMAK-CIRCUIT	4/1/2008	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		-2,393.69	44870.38		CHK
CERMAK-CIRCUIT	4/1/2008	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		0.00			
CERMAK-CIRCUIT	4/1/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	25,919.00			CHK
CERMAK-CIRCUIT	5/1/2008	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		239.41			
CERMAK-CIRCUIT	5/1/2008	CAM COMMON AREA MAINT	CR Receipt		239.41	0.00	45096.60		CHK
CERMAK-CIRCUIT	5/1/2008	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		-2,393.69	45096.60		CHK
CERMAK-CIRCUIT	5/1/2008	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		0.00			
CERMAK-CIRCUIT	5/1/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	25,919.00			CHK
CERMAK-CIRCUIT	5/28/2008	CAA CAM ADMIN. FEE	CR Receipt		239.41	-239.41	45195.46		CHK
CERMAK-CIRCUIT	5/28/2008	CAM COMMON AREA MAINT	CR Receipt		2,393.69	-2,633.10	45195.46		CHK
CERMAK-CIRCUIT	5/28/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	-28,552.10	45195.46		CHK

Exhibit A

Database: CRM

CM Receivables Ledger  
Concordia Realty Management

Occupancy Status: Current Inactive New

01/08 Through 12/09

Page: 2  
Date: 3/24/2011  
Time: 01:56 PM

Bldg/Lease	Date	Category	SR	Description	Debit	Credit	Balance	Receipt Desc.	Receipt Invoice Type
CERMAKIRCU	6/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		-28,312.69		
CERMAKIRCU	6/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,393.69		-25,919.00		
CERMAKIRCU	6/1/2008	FMR FIXED MINIMUM RENT	CH	AUTOCHRG	25,919.00		0.00		
CERMAKIRCU	7/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		239.41		
CERMAKIRCU	7/1/2008	CAA CAM ADMIN. FEE	CR	Receipt		239.41	0.00	4529880	CHK
CERMAKIRCU	7/1/2008	CAM COMMON AREA MAINT	CR	Receipt		2,393.69	-2,393.69	4529880	CHK
CERMAKIRCU	7/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,393.69		0.00		
CERMAKIRCU	7/1/2008	FMR FIXED MINIMUM RENT	CH	AUTOCHRG	25,919.00		25,919.00		
CERMAKIRCU	7/1/2008	FMR FIXED MINIMUM RENT	CR	Receipt		25,919.00	0.00	4529880	CHK
CERMAKIRCU	7/1/2008	RET REAL ESTATE TAX REI	CH	REAL ESTATE TAXI	67,821.32		67,821.32		
CERMAKIRCU	7/1/2008	RET REAL ESTATE TAX REI	CR	7/16/2008 - Receipt		67,821.32	0.00	4535766	CHK
CERMAKIRCU	7/28/2008	CAA CAM ADMIN. FEE	CR	AUGUST	239.41		-239.41	4541062	CHK
CERMAKIRCU	7/28/2008	CAM COMMON AREA MAINT	CR	AUGUST	2,393.69		-2,633.10	4541062	CHK
CERMAKIRCU	7/28/2008	FMR FIXED MINIMUM RENT	CR	AUGUST	25,919.00		-28,552.10	4541062	CHK
CERMAKIRCU	8/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		-28,312.69		
CERMAKIRCU	8/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,393.69		-25,919.00		
CERMAKIRCU	8/1/2008	FMR FIXED MINIMUM RENT	CH	AUTOCHRG	25,919.00		0.00		
CERMAKIRCU	8/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	1,160.63		1,160.63		
CERMAKIRCU	8/25/2008	CAM COMMON AREA MAINT	CH	2007 CAM RECONC	11,606.28		12,766.91		
CERMAKIRCU	8/25/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		13,006.32		
CERMAKIRCU	8/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,393.69		15,400.01		
CERMAKIRCU	8/1/2008	FMR FIXED MINIMUM RENT	CH	AUTOCHRG	25,919.00		41,319.01		
CERMAKIRCU	8/1/2008	CAA CAM ADMIN. FEE	CR	Receipt		239.41	41,079.60	4554382	CHK
CERMAKIRCU	8/1/2008	CAM COMMON AREA MAINT	CR	Receipt		2,393.69	38,685.91	4554382	CHK
CERMAKIRCU	9/1/2008	FMR FIXED MINIMUM RENT	CR	Receipt		25,919.00	12,766.91	4554382	CHK
CERMAKIRCU	10/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		13,006.32		
CERMAKIRCU	10/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,383.69		15,400.01		
CERMAKIRCU	10/1/2008	FMR FIXED MINIMUM RENT	CH	AUTOCHRG	25,919.00		41,319.01		
CERMAKIRCU	10/6/2008	CAA CAM ADMIN. FEE	CR	Receipt		239.41	41,079.60	4562102	CHK
CERMAKIRCU	10/6/2008	CAM COMMON AREA MAINT	CR	Receipt		2,393.69	38,685.91	4562102	CHK
CERMAKIRCU	10/6/2008	FMR FIXED MINIMUM RENT	CR	Receipt		25,919.00	12,766.91	4562102	CHK
CERMAKIRCU	10/31/2008	CAA CAM ADMIN. FEE	NC	SQ FT ADJUSTMEN		87.63	12,679.28		
CERMAKIRCU	10/31/2008	CAM COMMON AREA MAINT	NC	SQ FT ADJUSTMEN		1,949.35	10,729.93		
CERMAKIRCU	11/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		10,989.34		
CERMAKIRCU	11/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,393.69		13,383.03		
CERMAKIRCU	11/1/2008	FMR FIXED MINIMUM RENT	CH	AUTOCHRG	25,919.00		39,282.03		
CERMAKIRCU	11/1/2008	RET REAL ESTATE TAX REI	CH	2ND INSTALLMENT	79,433.03		117,715.06		
CERMAKIRCU	12/1/2008	CAA CAM ADMIN. FEE	CH	AUTOCHRG	239.41		117,954.47		
CERMAKIRCU	12/1/2008	CAM COMMON AREA MAINT	CH	AUTOCHRG	2,393.69		120,348.16		

Exhibit A

Database: CRM				CM Receivables Ledger				Page: 3	
Occupancy Status: Current Inactive New				Concordia Realty Management				Date: 3/24/2011	
				01/08 Through 12/09				Time: 01:56 PM	
Bldg/Lease	Date	Category	SR Description	Debit	Credit	Balance	Receipt Desc.	Invoice	Receipt Type
CERMAKIRCU	12/1/2008	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		146,267.16			
CERMAKIRCU	12/8/2008	CAA CAM ADMIN. FEE	CR Receipt		239.41	146,027.75	4581158		CHK
CERMAKIRCU	12/8/2008	CAM COMMON AREA MAINT	CR Receipt		2,393.69	143,634.06	4581158		CHK
CERMAKIRCU	12/8/2008	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	117,715.06	4581158		CHK
CERMAKIRCU	1/1/2009	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		117,954.47			
CERMAKIRCU	1/1/2009	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		120,348.16			
CERMAKIRCU	1/1/2009	FMR FIXED MINIMUM RENT	CH AUTOCHRG	25,919.00		146,267.16			
CERMAKIRCU	1/5/2009	CAA CAM ADMIN. FEE	CR Receipt		239.41	146,027.75	4590727		CHK
CERMAKIRCU	1/5/2009	CAM COMMON AREA MAINT	CR Receipt		2,393.69	143,634.06	4590727		CHK
CERMAKIRCU	1/5/2009	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	117,715.06	4590727		CHK
CERMAKIRCU	2/1/2009	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		117,954.47			
CERMAKIRCU	2/1/2009	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		120,348.16			
CERMAKIRCU	2/1/2009	FMR FIXED MINIMUM RENT	CH AUTOCHRG	29,807.00		150,155.16			
CERMAKIRCU	2/5/2009	CAA CAM ADMIN. FEE	CR Receipt		239.41	149,915.75	4599278		CHK
CERMAKIRCU	2/5/2009	CAM COMMON AREA MAINT	CR Receipt		2,393.69	148,676.34	4599278		CHK
CERMAKIRCU	2/5/2009	CAM COMMON AREA MAINT	CR Receipt		2,393.69	147,282.65	4599278		CHK
CERMAKIRCU	2/5/2009	FMR FIXED MINIMUM RENT	CR Receipt		25,919.00	118,988.96	4599278		CHK
CERMAKIRCU	2/5/2009	FMR FIXED MINIMUM RENT	CR Receipt		1,254.76	117,715.20	4599278		CHK
CERMAKIRCU	3/1/2009	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		117,954.61			
CERMAKIRCU	3/1/2009	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		120,348.30			
CERMAKIRCU	3/1/2009	FMR FIXED MINIMUM RENT	CH AUTOCHRG	29,807.00		150,155.30			
CERMAKIRCU	3/1/2009	CAA CAM ADMIN. FEE	NC RENT 3/12-3/31		154.42	150,000.88			
CERMAKIRCU	3/1/2009	CAM COMMON AREA MAINT	NC RENT 3/12-3/31		1,543.93	148,456.95			
CERMAKIRCU	3/1/2009	FMR FIXED MINIMUM RENT	NC RENT 3/12-3/31		19,225.51	128,231.44			
CERMAKIRCU	3/1/2009	CAA CAM ADMIN. FEE	CR Receipt		239.41	128,992.03	4605857		CHK
CERMAKIRCU	3/1/2009	CAM COMMON AREA MAINT	CR Receipt		1,944.81	127,047.22	4605857		CHK
CERMAKIRCU	3/1/2009	FMR FIXED MINIMUM RENT	CR Receipt		9,326.73	117,720.49	4605857		CHK
CERMAKIRCU	4/1/2009	CAA CAM ADMIN. FEE	CH AUTOCHRG	239.41		117,959.90			
CERMAKIRCU	4/1/2009	CAM COMMON AREA MAINT	CH AUTOCHRG	2,393.69		120,353.59			
CERMAKIRCU	4/1/2009	FMR FIXED MINIMUM RENT	CH AUTOCHRG	29,807.00		150,160.59			
CERMAKIRCU	4/1/2009	CAA CAM ADMIN. FEE	NC REVERSE APRIL	239.41		149,921.18			
CERMAKIRCU	4/1/2009	CAM COMMON AREA MAINT	NC REVERSE APRIL	2,393.69		147,527.49			
CERMAKIRCU	4/1/2009	FMR FIXED MINIMUM RENT	NC REVERSE APRIL	29,807.00		117,720.49			

**ITEMS NOT PAID BY CIRCUIT CITY**

<b>Date</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
8/25/2008	2007 Cam Rec	\$ 1,160.63	
8/25/2008	2007 Cam Rec	\$ 11,606.28	
10/31/2008	2007 Cam Adjustmt		\$ 87.63
10/31/2008	2007 Cam Adjustmt		\$ 1,949.35
11/10/2008	RE Tax Billing	\$ 78,433.03	
11/1/2008	Nov 08 Cam Admin	\$ 239.41	
11/1/2008	Nov 08 Cam	\$ 2,393.69	
11/1/2008	Nov 08 Rent	\$ 25,919.00	
2/1/2009	Feb 09 Rent - shortage	\$ 0.14	
3/1/2009	Mar 09 Rent - shortage	\$ 5.29	
<b>TOTAL</b>		<b>\$ 119,757.47</b>	<b>\$ 2,036.98</b>
<b>TOAL PMNTS DUE CERMAK PLAZA</b>			<b>\$ 117,720.49</b>

**AFFIDAVIT OF SERVICE**

STATE OF ILLINOIS

)

) SS: WESTCHESTER

**APRIL 5, 2011**

COUNTY OF Cook

)

**Michael Flight, being duly sworn, deposes and says under penalty of perjury as follows:**

1. I am over the age of eighteen (18) and believe in the obligations of an oath.

2. I hereby certify that on April 5, 2011, copies of the foregoing were forwarded via overnight delivery service to the following:

**Jeffrey N. Pomerantz, Esq.**  
**Andrew W. Caine, Esq.**  
**Pachulski Stang Ziehl & Jones, LLP**  
**10100 Santa Monica Blvd.**  
**Los Angeles, CA 90067-4100**  
**Facsimile: (310) 201-0760**

**Lynn L. Tavenner, Esq.**  
**Paula S. Beran, Esq.**  
**Tavenner & Beran, PLC**  
**20 North Eighth Street, 2<sup>nd</sup> Floor**  
**Richmond, VA 23219**  
**Facsimile: (804) 783-0178**

## Michael Flight





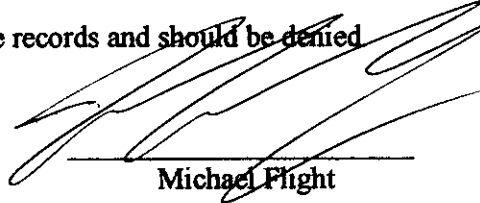
which the Trustee seeks, among other things, to reduce Cermak's claim in this matter from \$129,231.44 to \$78,433.03.

4. Cermak filed a timely proof of claim in this matter on April 30, 2009 in the amount of \$129,231.44 (the "Cermak Claim"), designated as Claim Number 12809. The Cermak Claim is based on unpaid rent, taxes and CAM charges due in connection with the lease entered into by Circuit City Stores, Inc. ("Circuit City") for a store located in Cermak Plaza, Berwyn, Illinois (the "Cermak Plaza Lease").

5. Collectively attached hereto as Exhibit A is a portion of the ledger maintained by Concordia for the Cermak Plaza Lease, together with a report detailing a list of the unpaid items remaining due from Circuit City in connection with the Cermak Plaza Lease and its occupancy of the Cermak Plaza store. As indicated in these documents, the amount of \$117,720.40 remains due to Cermak associated with Circuit City's nonpayment of rent, CAM charges and taxes due under the Cermak Plaza Lease.

6. Based on the attached records, the Cermak Claim should be allowed in the amount of \$117,720.40. The Trustee's request in the Objection that the Cermak Claim be reduced to

\$78,433.03 is not supported by accurate records and should be denied



Michael Flight

Subscribed and sworn to  
before me this 5<sup>th</sup> day  
of April, 2011



Notary Public





CONCORDIA REALTY

10031 W. Roosevelt Rd.  
Suite 200  
Westchester, IL 60154  
Phone: (708) 344-9242  
Fax: (708) 344-9244  
www.concordiarealty.com

April 5, 2011

Clerk of the Bankruptcy Court  
United States Bankruptcy Court  
701 E. Broad Street  
Room 4000  
Richmond, VA 23219

RE: Circuit City  
Cermak Plaza – Berwyn, IL

Please find enclosed the following documents:

1. Declaration of Michael Flight in Support of Response  
Of Cermak Plaza Associates, LLC
2. Response of Cermak Plaza Associates, LLC to Trustee's  
Second Omnibus Objection to Landlord Claims
3. Affidavit of Service

If you have any questions please call Michael Flight at 708.344.9242.

Sincerely yours,  
Concordia Realty Management, Inc.  
As Agent for Cermak Plaza Associates, LLC



Michael J. Flight

Enclosures